

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 786

Representative Antani

A BILL

To amend sections 4503.03 and 4511.75 of the
Revised Code to enhance the penalties for
failing to stop for a school bus that is picking
up or dropping of school children, to require
the Registrar of Motor Vehicles to create a
graphic that instructs drivers to stop for such
a school bus, to require a deputy registrar to
post the graphic at the deputy registrar's
location, and to make an appropriation.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4503.03 and 4511.75 of the
Revised Code be amended to read as follows:

Sec. 4503.03. (A) (1) (a) Except as provided in division (B)
of this section, the registrar of motor vehicles may designate
one or more of the following persons to act as a deputy
registrar in each county:

(i) The county auditor in any county, subject to division
(A) (1) (b) (i) of this section;

(ii) The clerk of a court of common pleas in any county,
subject to division (A) (1) (b) (ii) of this section;

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(iii) An individual;	20
(iv) A nonprofit corporation as defined in division (C) of section 1702.01 of the Revised Code.	21
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(b) (i) If the population of a county is forty thousand or less according to the most recent federal decennial census and if the county auditor is designated by the registrar as a deputy registrar, no other person need be designated in the county to act as a deputy registrar.	23
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(ii) The registrar may designate a clerk of a court of common pleas as a deputy registrar if the population of the county is forty thousand or less according to the last federal census. In a county with a population greater than forty thousand but not more than fifty thousand according to the last federal census, the clerk of a court of common pleas is eligible to act as a deputy registrar and may participate in the competitive selection process for the award of a deputy registrar contract by applying in the same manner as any other person. All fees collected and retained by a clerk for conducting deputy registrar services shall be paid into the county treasury to the credit of the certificate of title administration fund created under section 325.33 of the Revised Code.	28
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Notwithstanding the county population restrictions in division (A) (1) (b) of this section, if no person applies to act under contract as a deputy registrar in a county and the county auditor is not designated as a deputy registrar, the registrar may ask the clerk of a court of common pleas to serve as the deputy registrar for that county.	42
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(c) As part of the selection process in awarding a deputy	48

registrar contract, the registrar shall consider the customer service performance record of any person previously awarded a deputy registrar contract pursuant to division (A) (1) of this section. 49
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(2) Deputy registrars shall accept applications for the annual license tax for any vehicle not taxed under section 4503.63 of the Revised Code and shall assign distinctive numbers in the same manner as the registrar. Such deputies shall be located in such locations in the county as the registrar sees fit. There shall be at least one deputy registrar in each county. 53
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Deputy registrar contracts are subject to the provisions of division (B) of section 125.081 of the Revised Code. 60
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(B) (1) The registrar shall not designate any person to act as a deputy registrar under division (A) (1) of this section if the person or, where applicable, the person's spouse or a member of the person's immediate family has made, within the current calendar year or any one of the previous three calendar years, one or more contributions totaling in excess of one hundred dollars to any person or entity included in division (A) (2) of section 4503.033 of the Revised Code. As used in this division, "immediate family" has the same meaning as in division (D) of section 102.01 of the Revised Code, and "entity" includes any political party and any "continuing association" as defined in division (C) (4) of section 3517.01 of the Revised Code or "political action committee" as defined in division (C) (8) of that section that is primarily associated with that political party. For purposes of this division, contributions to any continuing association or any political action committee that is primarily associated with a political party shall be aggregated 62
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with contributions to that political party. 79

The contribution limitations contained in this division do 80
not apply to any county auditor or clerk of a court of common 81
pleas. A county auditor or clerk of a court of common pleas is 82
not required to file the disclosure statement or pay the filing 83
fee required under section 4503.033 of the Revised Code. The 84
limitations of this division also do not apply to a deputy 85
registrar who, subsequent to being awarded a deputy registrar 86
contract, is elected to an office of a political subdivision. 87

(2) The registrar shall not designate either of the 88
following to act as a deputy registrar: 89

(a) Any elected public official other than a county 90
auditor or, as authorized by division (A)(1)(b) of this section, 91
a clerk of a court of common pleas, acting in an official 92
capacity, except that, the registrar shall continue and may 93
renew a contract with any deputy registrar who, subsequent to 94
being awarded a deputy registrar contract, is elected to an 95
office of a political subdivision; 96

(b) Any person holding a current, valid contract to 97
conduct motor vehicle inspections under section 3704.14 of the 98
Revised Code. 99

(3) As used in division (B) of this section, "political 100
subdivision" has the same meaning as in section 3501.01 of the 101
Revised Code. 102

(C)(1) Except as provided in division (C)(2) of this 103
section, deputy registrars are independent contractors and 104
neither they nor their employees are employees of this state, 105
except that nothing in this section shall affect the status of 106
county auditors or clerks of courts of common pleas as public 107

officials, nor the status of their employees as employees of any of the counties of this state, which are political subdivisions of this state. Each deputy registrar shall be responsible for the payment of all unemployment compensation premiums, all workers' compensation premiums, social security contributions, and any and all taxes for which the deputy registrar is legally responsible. Each deputy registrar shall comply with all applicable federal, state, and local laws requiring the withholding of income taxes or other taxes from the compensation of the deputy registrar's employees. Each deputy registrar shall maintain during the entire term of the deputy registrar's contract a policy of business liability insurance satisfactory to the registrar and shall hold the department of public safety, the director of public safety, the bureau of motor vehicles, and the registrar harmless upon any and all claims for damages arising out of the operation of the deputy registrar agency.	108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123
(2) For purposes of Chapter 4141. of the Revised Code, determinations concerning the employment of deputy registrars and their employees shall be made under Chapter 4141. of the Revised Code.	124 125 126 127
(D) (1) With the approval of the director, the registrar shall adopt rules governing deputy registrars. The rules shall do all of the following:	128 129 130
(a) Establish requirements governing the terms of the contract between the registrar and each deputy registrar and the services to be performed;	131 132 133
(b) Establish requirements governing the amount of bond to be given as provided in this section;	134 135
(c) Establish requirements governing the size and location	136

of the deputy's office;	137
(d) Establish requirements governing the leasing of equipment necessary to conduct the vision screenings required under section 4507.12 of the Revised Code and training in the use of the equipment;	138 139 140 141
(e) Encourage every deputy registrar to inform the public of the location of the deputy registrar's office and hours of operation by means of public service announcements;	142 143 144
(f) Allow any deputy registrar to advertise in regard to the operation of the deputy registrar's office, including allowing nonprofit corporations operating as a deputy registrar to advertise that a specified amount of proceeds collected by the nonprofit corporation are directed to a specified charitable organization or philanthropic cause;	145 146 147 148 149 150
(g) Specify the hours the deputy's office is to be open to the public and require as a minimum that one deputy's office in each county be open to the public for at least four hours each weekend, provided that if only one deputy's office is located within the boundary of the county seat, that office is the office that shall be open for the four-hour period each weekend;	151 152 153 154 155 156
(h) Specify that every deputy registrar, upon request, provide any person with information about the location and office hours of all deputy registrars in the county;	157 158 159
(i) Allow a deputy registrar contract to be awarded to a nonprofit corporation formed under the laws of this state;	160 161
(j) Except as provided in division (D)(2) of this section, prohibit any deputy registrar from operating more than one deputy registrar's office at any time;	162 163 164

(k) For the duration of any deputy registrar contract, 165
require that the deputy registrar occupy a primary residence in 166
a location that is within a one-hour commute time from the 167
deputy registrar's office or offices. The rules shall require 168
the registrar to determine commute time by using multiple 169
established internet-based mapping services. 170

(l) Establish procedures for a deputy registrar to request 171
the authority to collect reinstatement fees under sections 172
4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 173
4510.72, and 4511.191 of the Revised Code and to transmit the 174
reinstatement fees and two dollars of the service fee collected 175
under those sections. The registrar shall ensure that at least 176
one deputy registrar in each county has the necessary equipment 177
and is able to accept reinstatement fees. The registrar shall 178
deposit the service fees received from a deputy registrar under 179
those sections into the public safety - highway purposes fund 180
created in section 4501.06 of the Revised Code and shall use the 181
money for deputy registrar equipment necessary in connection 182
with accepting reinstatement fees. 183

(m) Establish standards for a deputy registrar, when the 184
deputy registrar is not a county auditor or a clerk of a court 185
of common pleas, to sell advertising rights to third party 186
businesses to be placed in the deputy registrar's office; 187

(n) Allow any deputy registrar that is not a county 188
auditor or a clerk of a court of common pleas to operate a 189
vending machine; 190

(o) Specify that each deputy registrar location shall 191
display at all times, in a prominent place on the premises, a 192
printed card that has a graphic that instructs drivers to stop 193
and yield to a stopped school bus when it is either loading or 194

<u>unloading passengers.</u>	195
<u>The registrar shall create and issue the graphic for distribution to and display at each deputy registrar location.</u>	196
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(p) Establish such other requirements as the registrar and director consider necessary to provide a high level of service.	198
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(2) Notwithstanding division (D)(1)(j) of this section, the rules may allow both of the following:	200
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(a) The registrar to award a contract to a deputy registrar to operate more than one deputy registrar's office if determined by the registrar to be practical;	202
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(b) A nonprofit corporation formed for the purposes of providing automobile-related services to its members or the public and that provides such services from more than one location in this state to operate a deputy registrar office at any location.	205
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(3) As a daily adjustment, the bureau of motor vehicles shall credit to a deputy registrar the amount established under section 4503.038 of the Revised Code for each damaged license plate or validation sticker the deputy registrar replaces as a service to a member of the public.	210
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(4) (a) With the prior approval of the registrar, each deputy registrar may conduct at the location of the deputy registrar's office any business that is consistent with the functions of a deputy registrar and that is not specifically mandated or authorized by this or another chapter of the Revised Code or by implementing rules of the registrar.	215
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(b) In accordance with guidelines the director of public safety shall establish, a deputy registrar may operate or	221
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contract for the operation of a vending machine at a deputy registrar location if products of the vending machine are consistent with the functions of a deputy registrar.	223 224 225
(c) A deputy registrar may enter into an agreement with the Ohio turnpike and infrastructure commission pursuant to division (A)(11) of section 5537.04 of the Revised Code for the purpose of allowing the general public to acquire from the deputy registrar the electronic toll collection devices that are used under the multi-jurisdiction electronic toll collection agreement between the Ohio turnpike and infrastructure commission and any other entities or agencies that participate in such an agreement. The approval of the registrar is not necessary if a deputy registrar engages in this activity.	226 227 228 229 230 231 232 233 234 235
(5) As used in this section and in section 4507.01 of the Revised Code, "nonprofit corporation" has the same meaning as in section 1702.01 of the Revised Code.	236 237 238
(E)(1) Unless otherwise terminated and except for interim contracts lasting not longer than one year, contracts with deputy registrars shall be entered into through a competitive selection process and shall be limited in duration as follows:	239 240 241 242
(a) For contracts entered into between July 1, 1996 and June 29, 2014, for a period of not less than two years, but not more than three years;	243 244 245
(b) For contracts entered into on or after June 29, 2014, for a period of five years, unless the registrar determines that a shorter contract term is appropriate for a particular deputy registrar.	246 247 248 249
(2) All contracts with deputy registrars shall expire on the last Saturday of June in the year of their expiration. Prior	250 251

to the expiration of any deputy registrar contract, the 252
registrar, with the approval of the director, may award a one- 253
year contract extension to any deputy registrar who has provided 254
exemplary service based upon objective performance evaluations. 255

(3) (a) The auditor of state may examine the accounts, 256
reports, systems, and other data of each deputy registrar at 257
least every two years. The registrar, with the approval of the 258
director, shall immediately remove a deputy who violates any 259
provision of the Revised Code related to the duties as a deputy, 260
any rule adopted by the registrar, or a term of the deputy's 261
contract with the registrar. The registrar also may remove a 262
deputy who, in the opinion of the registrar, has engaged in any 263
conduct that is either unbecoming to one representing this state 264
or is inconsistent with the efficient operation of the deputy's 265
office. 266

(b) If the registrar, with the approval of the director, 267
determines that there is good cause to believe that a deputy 268
registrar or a person proposing for a deputy registrar contract 269
has engaged in any conduct that would require the denial or 270
termination of the deputy registrar contract, the registrar may 271
require the production of books, records, and papers as the 272
registrar determines are necessary, and may take the depositions 273
of witnesses residing within or outside the state in the same 274
manner as is prescribed by law for the taking of depositions in 275
civil actions in the court of common pleas, and for that purpose 276
the registrar may issue a subpoena for any witness or a subpoena 277
duces tecum to compel the production of any books, records, or 278
papers, directed to the sheriff of the county where the witness 279
resides or is found. Such a subpoena shall be served and 280
returned in the same manner as a subpoena in a criminal case is 281
served and returned. The fees of the sheriff shall be the same 282

as that allowed in the court of common pleas in criminal cases. 283
Witnesses shall be paid the fees and mileage provided for under 284
section 119.094 of the Revised Code. The fees and mileage shall 285
be paid from the fund in the state treasury for the use of the 286
agency in the same manner as other expenses of the agency are 287
paid. 288

In any case of disobedience or neglect of any subpoena 289
served on any person or the refusal of any witness to testify to 290
any matter regarding which the witness lawfully may be 291
interrogated, the court of common pleas of any county where the 292
disobedience, neglect, or refusal occurs or any judge of that 293
court, on application by the registrar, shall compel obedience 294
by attachment proceedings for contempt, as in the case of 295
disobedience of the requirements of a subpoena issued from that 296
court, or a refusal to testify in that court. 297

(4) Nothing in division (E) of this section shall be 298
construed to require a hearing of any nature prior to the 299
termination of any deputy registrar contract by the registrar, 300
with the approval of the director, for cause. 301

(F) Except as provided in section 2743.03 of the Revised 302
Code, no court, other than the court of common pleas of Franklin 303
county, has jurisdiction of any action against the department of 304
public safety, the director, the bureau, or the registrar to 305
restrain the exercise of any power or authority, or to entertain 306
any action for declaratory judgment, in the selection and 307
appointment of, or contracting with, deputy registrars. Neither 308
the department, the director, the bureau, nor the registrar is 309
liable in any action at law for damages sustained by any person 310
because of any acts of the department, the director, the bureau, 311
or the registrar, or of any employee of the department or 312

bureau, in the performance of official duties in the selection 313
and appointment of, and contracting with, deputy registrars. 314

(G) The registrar shall assign to each deputy registrar a 315
series of numbers sufficient to supply the demand at all times 316
in the area the deputy registrar serves, and the registrar shall 317
keep a record in the registrar's office of the numbers within 318
the series assigned. Each deputy shall be required to give bond 319
in the amount of at least twenty-five thousand dollars, or in 320
such higher amount as the registrar determines necessary, based 321
on a uniform schedule of bond amounts established by the 322
registrar and determined by the volume of registrations handled 323
by the deputy. The form of the bond shall be prescribed by the 324
registrar. The bonds required of deputy registrars, in the 325
discretion of the registrar, may be individual or schedule bonds 326
or may be included in any blanket bond coverage carried by the 327
department. 328

(H) Each deputy registrar shall keep a file of each 329
application received by the deputy and shall register that motor 330
vehicle with the name and address of its owner. 331

(I) Upon request, a deputy registrar shall make the 332
physical inspection of a motor vehicle and issue the physical 333
inspection certificate required in section 4505.061 of the 334
Revised Code. 335

(J) Each deputy registrar shall file a report semiannually 336
with the registrar of motor vehicles listing the number of 337
applicants for licenses the deputy has served, the number of 338
voter registration applications the deputy has completed and 339
transmitted to the board of elections, and the number of voter 340
registration applications declined. 341

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or
trackless trolley upon meeting or overtaking from either
direction any school bus stopped for the purpose of receiving or
discharging any school child, person attending programs offered
by community boards of mental health and county boards of
developmental disabilities, or child attending a program offered
by a head start agency, shall stop at least ten feet from the
front or rear of the school bus and shall not proceed until such
school bus resumes motion, or until signaled by the school bus
driver to proceed. 342
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It is no defense to a charge under this division that the
school bus involved failed to display or be equipped with an
automatically extended stop warning sign as required by division
(B) of this section. 352
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(B) Every school bus shall be equipped with amber and red
visual signals meeting the requirements of section 4511.771 of
the Revised Code, and an automatically extended stop warning
sign of a type approved by the state board of education, which
shall be actuated by the driver of the bus whenever but only
whenever the bus is stopped or stopping on the roadway for the
purpose of receiving or discharging school children, persons
attending programs offered by community boards of mental health
and county boards of developmental disabilities, or children
attending programs offered by head start agencies. A school bus
driver shall not actuate the visual signals or the stop warning
sign in designated school bus loading areas where the bus is
entirely off the roadway or at school buildings when children or
persons attending programs offered by community boards of mental
health and county boards of developmental disabilities are
loading or unloading at curbside or at buildings when children
attending programs offered by head start agencies are loading or 356
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unloading at curbside. The visual signals and stop warning sign
shall be synchronized or otherwise operated as required by rule
of the board. 373
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(C) Where a highway has been divided into four or more
traffic lanes, a driver of a vehicle, streetcar, or trackless
trolley need not stop for a school bus approaching from the
opposite direction which has stopped for the purpose of
receiving or discharging any school child, persons attending
programs offered by community boards of mental health and county
boards of developmental disabilities, or children attending
programs offered by head start agencies. The driver of any
vehicle, streetcar, or trackless trolley overtaking the school
bus shall comply with division (A) of this section. 376
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(D) School buses operating on divided highways or on
highways with four or more traffic lanes shall receive and
discharge all school children, persons attending programs
offered by community boards of mental health and county boards
of developmental disabilities, and children attending programs
offered by head start agencies on their residence side of the
highway. 386
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(E) No school bus driver shall start the driver's bus
until after any child, person attending programs offered by
community boards of mental health and county boards of
developmental disabilities, or child attending a program offered
by a head start agency who may have alighted therefrom has
reached a place of safety on the child's or person's residence
side of the road. 393
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(F) (1) Whoever violates division (A) of this section may
be fined an amount not to exceed ~~five hundred one thousand~~
dollars. A person who is issued a citation for a violation of 400
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division (A) of this section is not permitted to enter a written 403
plea of guilty and waive the person's right to contest the 404
citation in a trial but instead must appear in person in the 405
proper court to answer the charge. 406

(2) In addition to and independent of any other penalty 407
provided by law, the court or mayor may impose upon an offender 408
who violates this section a class ~~seven~~six suspension of the 409
offender's driver's license, commercial driver's license, 410
temporary instruction permit, probationary license, or 411
nonresident operating privilege from the range specified in 412
division (A)~~(7)~~(6) of section 4510.02 of the Revised Code. When 413
a license is suspended under this section, the court or mayor 414
shall cause the offender to deliver the license to the court, 415
and the court or clerk of the court immediately shall forward 416
the license to the registrar of motor vehicles, together with 417
notice of the court's action. 418

(G) As used in this section: 419

(1) "Head start agency" has the same meaning as in section 420
3301.32 of the Revised Code. 421

(2) "School bus," as used in relation to children who 422
attend a program offered by a head start agency, means a bus 423
that is owned and operated by a head start agency, is equipped 424
with an automatically extended stop warning sign of a type 425
approved by the state board of education, is painted the color 426
and displays the markings described in section 4511.77 of the 427
Revised Code, and is equipped with amber and red visual signals 428
meeting the requirements of section 4511.771 of the Revised 429
Code, irrespective of whether or not the bus has fifteen or more 430
children aboard at any time. "School bus" does not include a van 431
owned and operated by a head start agency, irrespective of its 432

color, lights, or markings.	433		
Section 2. That existing sections 4503.03 and 4511.75 of the Revised Code are hereby repealed.	434		
Section 3. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2018 and those in the second column are for fiscal year 2019. The appropriations made in this act are in addition to any other appropriations made for the FY 2018-FY 2019 biennium.	436		
DPS Department of Public Safety	444		
General Revenue Fund	445		
GRF 768433 School Bus Camera Grants	\$0	\$1,000,000	446
TOTAL GRF General Revenue Fund	\$0	\$1,000,000	447
TOTAL ALL BUDGET FUND GROUPS	\$0	\$1,000,000	448
SCHOOL BUS CAMERA GRANTS	449		
The foregoing appropriation item 768433, School Bus Camera Grants, shall be used to award grants to city, local, and exempted village school districts and community schools established under Chapter 3314. of the Revised Code that are responsible for providing transportation to students enrolled in the school pursuant to section 3314.091 of the Revised Code to purchase and install external cameras on buses to record images of the license plates on cars that drive by the bus while it is stopped and loading or unloading children.	450		
Section 4. Within the limits set forth in this act, the	459		

Director of Budget and Management shall establish accounts	460
indicating the source and amount of funds for each appropriation	461
made in this act, and shall determine the form and manner in	462
which appropriation accounts shall be maintained. Expenditures	463
from appropriations contained in this act shall be accounted for	464
as though made in Am. Sub. H.B. 49 of the 132nd General	465
Assembly.	466
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The appropriations made in this act are subject to all	467
provisions of Am. Sub. H.B. 49 of the 132nd General Assembly	468
that are generally applicable to such appropriations.	469